



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: August 17, 2015
Jurisdiction: City of Brookings
Local file no.: ANX-1-15
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/14/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 56 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-15 {23805}
Received: 8/14/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Brookings

Local file no.: **ANX-1-15**

Date of adoption: 08/10/2015

Date sent: 8/14/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 05/12/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

no

Local contact (name and title): Donna Colby-Hanks, Planning Manager

Phone: (541) 469-1137

E-mail: dcolbyhanks@brookings.or.us

Street address: 898 Elk Drive

City: Brookings

Zip: 97415-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|------------------------------------------------|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from County residential (R-2)	to city residential (R-1-6)	Acres: 0.26
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 40-13-31CD, TL 1403 16947 Parkview Drive

List affected state or federal agencies, local governments and special districts: Curry County, ODOT, DLCDC

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Copies of all staff reports, final order and adopting ordinance are attached.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 15-O-744**

IN THE MATTER OF ORDINANCE 15-O-744, AN ORDINANCE AMENDING THE CITY LIMITS AND ZONING MAP OF THE CITY OF BROOKINGS BY ANNEXING 0.26 ± ACRE CONSISTING OF TAX LOT 1403 ON ASSESSOR'S MAP 40-13-31CB AND APPLYING THE SINGLE- FAMILY RESIDENTIAL (R-1-6, 6,000 SQ. FT. MINIMUM LOT SIZE) ON THAT CERTAIN PROPERTY DESCRIBED IN EXHIBIT "A".

Sections:

Introduction.

Section 1. Declaration of Annexation.

Section 2. Declaration of withdrawal from the Brookings Rural Fire Protection District.

Section 3. Uncollected Taxes

Section 4. Submittal to Secretary of State.

Section 5. Rezoning.

WHEREAS, the property owner has petitioned the City of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to existing city limits pursuant to ORS 222.111; and

WHEREAS, a notarized consent petition for the annexation of the above referenced territory has been filed with the City of Brookings by the owner of said property, pursuant to ORS 222.170(2); and

The City of Brookings ordains as follows:

Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A" and depicted on map Exhibit "B", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings, and the same is hereby annexed to the City of Brookings.

Section 2. Declaration of withdrawal from the Brookings Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Brookings Rural Fire Protection District upon annexation of the aforementioned property to the City of Brookings.

Section 3. Uncollected Taxes. That all the uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to it upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder by, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of all the land owner of said real property heretofore filed with him.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential Two, Curry County zoning classification to Single-Family Residential (R-1-6, 6,000 sq. ft. minimum lot size) City of Brookings zoning classification.

First Reading: August 10, 2015 Passage: August 10, 2015
Second Reading: August 10, 2015 Effective Date: September 9, 2015

Signed by me in authentication of its passage this 12th, day of August, 2015

ATTEST:

Ron Hedenskog
Mayor Ron Hedenskog

Joyce Heffington
City Recorder Joyce Heffington

EXHIBIT A

LEGAL DESCRIPTION:

Real property in the County of Curry, State of Oregon , described as follows:

A tract of land in Government Lot 3, in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West of the Willamette Meridian in Curry County, Oregon, described as follows:

Beginning at a point which is North 1589.4 feet and East 154.7 feet from the Southwest Corner of said Section 31, said point being on the Easterly line of a County Road (Parkview Drive);thence following said road line North 3° 57' East 67.0 feet; thence East to a point which bears North 11° 10' East 67.0 feet (approximately) to a point; thence West 181.7 feet to the Point of Beginning.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED FPRIOR TO JANUARY 01, 2008.

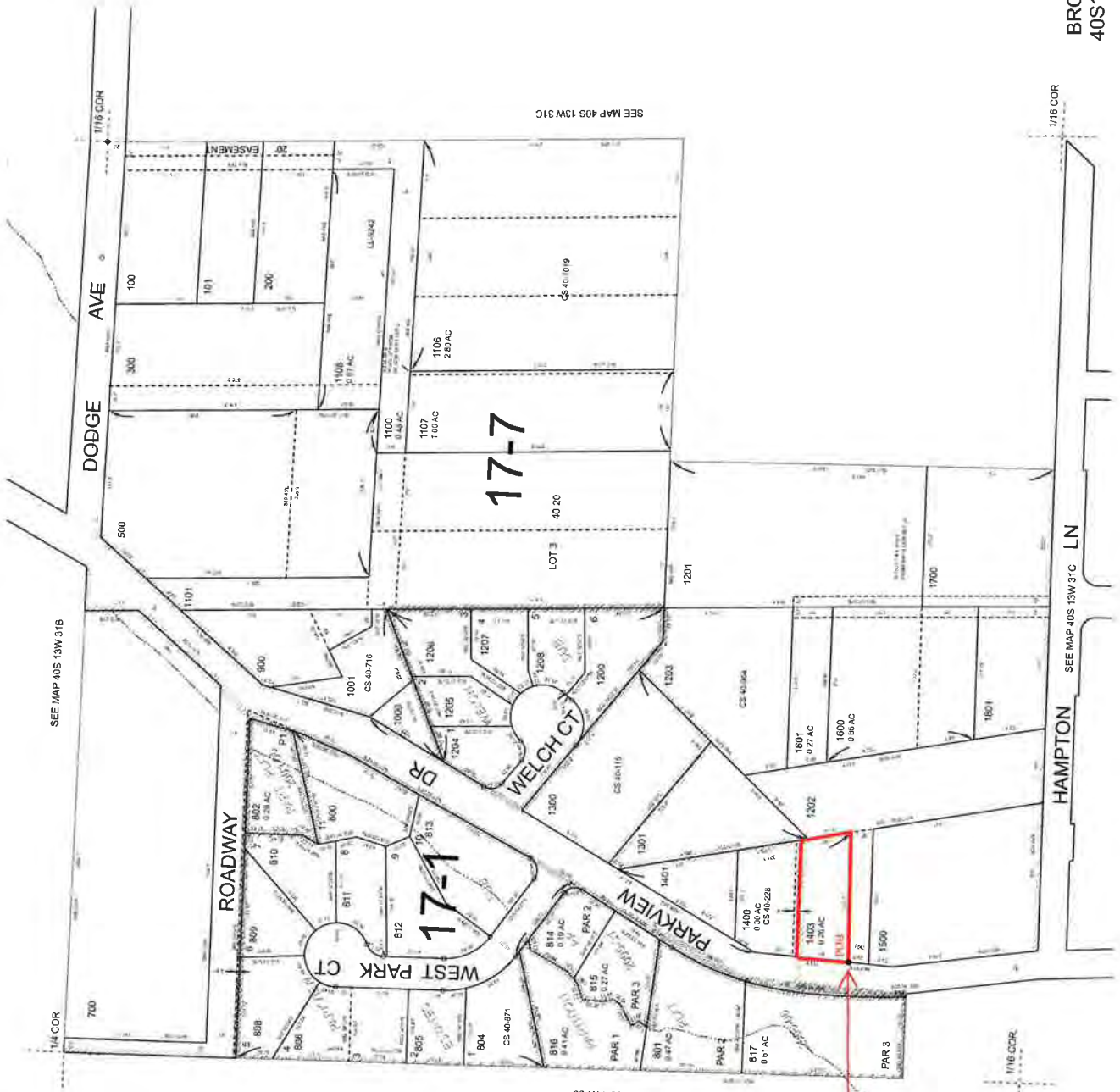
Exhibit B
40S13W31CB
BROOKINGS

N.W. 1/4 S.W. 1/4 SEC. 31 T.40S. R.13W. W.M.
CURRY COUNTY

1" = 100'

CANCELLED:
1102
301
400
401
600
800
1102 THRU 1105
1402
1800

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N 1589.4 and E 154.7 feet
from the SW corner of section 31

Revised: RAA
7/20/2011

BROOKINGS
40S13W31CB

**BEFORE THE CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of Planning Commission File No.) Final ORDER
ANX-1-15; application for approval of annexation,) and Findings of
Owner, Tan.) Fact
)**

ORDER approving an annexation of approximately 0.26± acre, identified as tax lot 1403 on Assessor's Map 40-13-31CB, located adjacent to the eastern boundary of Parkview Drive, approximately 255 feet north of its intersection with Hampton Road, more specifically 16947 Parkview Drive.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.144, Annexations, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on July 7, 2015; and,
3. Recommendations were presented by the Planning Manager in the form of a written staff report dated June 24, 2015, and by oral presentation, and evidence and testimony presented at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the City Council approve the request; and,
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on August 10, 2015, and it is a matter of record; and,
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commission's recommendation and approved the request.

THEREFORE, LET IT BE HEREBY ORDERED that the application for an annexation of the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS

The Applicant's findings and the staff report with attachments dated June 24, 2015 provide the findings in this matter. Both are attached to and hereby made a part of this Final Order. The following are general findings to show that all of the criteria have been met.

1. The findings address the application procedure requirements in BMC Section 17.144.020 as well as each of the goals of the City's Comprehensive Plan.
2. The findings address the annexation impact analysis requirements in BMC Section 17.144.030.

3. The materials satisfy all of the criteria presented in BMC Chapter 17.144, Annexations, of the Land Development Code, to justify the proposed annexation.
4. The findings address the zone change from Curry County Residential Two (R-2) to City of Brookings Single Family Residential (R-1-6).

CONCLUSIONS

The materials provided in the staff report dated July 24, 2014 and the O'Connor memo dated August 5, 2014 satisfy all of the criteria presented in BMC Chapter 17.144, Annexations, of the Land Development Code, to justify the proposed annexation.

CONDITIONS OF APPROVAL

1. Prior to connections to city sewer and water, the current address label must be replaced with one with a blue background and white numbers.

LET IT FURTHER BE OF RECORD that the City Council APPROVED the requested annexation subject to the above stated Condition of Approval.

Dated this 10th day of August, 2015.



Ron Hedenskog, Mayor

ATTEST:



Donna Colby-Hanks, Planning Manager

16947 Parkview Drive, Brookings, OR 97415 Annexation

Chapter 17.144 Annexations

17.144.020 Applicant procedures

A. Vicinity Map

A vicinity map showing the proposed area of annexation and existing city limits is included as attachment ____

B. Assessor's map

Assessor's map of the proposed area of annexation showing the subject parcel to be annexed is included as attachment ____

C. Consent form

Consent to annex form has been completed and sign by property owner is included as attachment ____

D. Legal metes and bounds

The legal metes and bounds description has been included as attachment ____

E. Specific information for each parcel

Assessed value: \$92,980

Acreage: .26 acre

Map and tax lot : 40-13-31CB tax lot 1403

Owner : Lie H Tan trustee of Access dream Revocable Trust utd july 11, 2011.

F. Addresses of business and dwellings

16947 Parkview Drive, Brookings, OR 97415

G. Significant natural features

The area proposed for annexation consist of NO natural features such as creek or stream, wetland slopes or areas of geological significant

H. Adjoining land uses

Single Family residence uses are surrounding this parcel. There are single family residence on both side of this property. The parcel on the back of this property is still bare land.

I Proposed land uses

The current curry county zoning designations is R2.
The proposed city zoning designation is R1-6

J. Written Findings

1. Existing land use is residential
2. Existing zoning is R2
3. Existing infrastructure.

a. water system is provided with city water connection which serves one dwelling located on the property. Right now water connection is turned off because of the septic system failure.

b. Streets

Access to this property is provided via Parkview Drive. Parkview drive is under the jurisdiction of the city from its intersection with Chetco Avenue to the city limits. Parkview drive is under the jurisdiction of curry county from the city limits to its terminus at the airport.

c. Sanitary sewer.

This property has onsite septic system that is failing and county won't issue repair permit, that is why this parcel needs to be annex to the city so it can hook up to the city sewer. City of brooking requiring this parcel to be annex to the city before it connect to city sewer.

d. Storm drainage

Draining in the area is almost entirely by surface with culverts at roadway and driveway. No storm drainage in area is needed.

4. Proposed or existing local improvement districts

There are no proposed or existing local improvement district.

5. Urban services needed and necessary to service the territory.

Need to connect to sewer main located adjacent to property in Parkview drive right of way. Approval of this annexation request is consistent with goal 5.

Compliance with all applicable goals and policies of the comprehensive plan.

Goal 1: Citizen involvement-to provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

The city has adopted as part of title 17, Land Development code, Brookings Municipal Code, a requirement that notification be provided to all owners of property within 250 feet of subject property where a land use action is proposed. The figure attached shows the boundary of the 250 foot radius. A list of the owners of property within that distance is provided as attachment _____. This information was compiled from records from Curry County Assessor's office. The city mailed notice, 20 days prior to the hearing, to each of the owners of property within 250 feet of the area to be annexed. The city provided a public notice to the local newspaper. This public notice has been published as required by the land development code and Oregon Revised Statutes (ORS) chapter 222. Additional notice will be provided as required and give owners within the vicinity and other interested citizens the opportunity to be informed and participate in the decision making process. Approval of this annexation request is consistent with goal 1.

Goal 2: Land Use Planning – to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions.

The City's comprehensive Plan was developed and adopted to meet the Statewide Planning Goals the land development code was developed and adopted to implement the comprehensive plan. The planning commission and the city council base their decisions on the criteria in the Land Development Code. This criteria is addressed by facts contained in the materials which are required to be submitted for a complete application. The notices discussed in Goal 1 outline the process for citizens to provide oral and written testimony. This assures that there is an adequate factual basis for recommendations made by the planning commission and decisions made by the city council. Approval of this annexation request is consistent with Goal 2.

Goal 3: Agricultural Lands-To cooperate with the county in the preservation and maintenance of agricultural lands.

Goal 4: Forest Lands – to support and cooperate with the county in its efforts to protect forest lands.

This subject parcel is not zoned as either agriculture or forest lands. Goal 3 and 4 do not apply to this annexation.

Goal 5: Open spaces, scenic and historic areas and natural resources- to conserve open space and protect natural, scenic resource, cultural, and historic areas while providing for orderly growth and development of the city.

The city's comprehensive plan states that the Curry County zoning ordinance and comprehensive plan will be used to implement goal 5 within the Urban Growth Boundary. Curry County comprehensive plan does not identify any sites of ecological significance or natural resources in the parcel proposed for annexation. There are no archeological and historic sites or aggregate and quarry sites identified in the inventories for this parcel. The Curry County comprehensive plan designates this parcel as residential. This parcel will retain its current comprehensive plan designation. Approval of this annexation request is consistent with goal 5 as neither the city or county comprehensive plan goal 5 inventories identify any such resources on the subject parcel.

Goal 6: Air, water and land resources quality- to maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

Connecting the existing dwelling to sewer system will provide for safe and sanitary systems and will protect the environment. This will allow for the failed onsite septic system to be properly abandoned. The quality of air and control of noise pollution, water and land resources won't be affected by annexation of this parcel as no change in zoning as residential. Approval of this annexation request is consistent with goal 6.

Goal 7: Areas subject to natural disasters and hazards = to protect life and property from natural disasters and hazards.

The city has adopted a flood damage prevention ordinance located in BMC Chapter 15.15. Each new development is reviewed for compliance with the federal emergency management Agency (FEMA) Flood hazard Maps included in this chapter. The FEMA flood Maps do not identify any flood hazards on the subject parcel.

The city has adopted hillside developed standards located in BMC chapter 17.100 of the land development code to reduce the effects of flooding, erosion and landslides. The hillside standards apply to properties with average slopes of 15% or more. This parcel does not contain slopes of more than 15%. Compliance with these standards protect life and property from natural disasters and hazards. Approval of this annexation request is consistent with goal 7.

Goal 8: Recreational needs –to satisfy the recreational needs of the citizens of the brookings area, state and visitors.

This small lot is residentially developed and does not provide any opportunities for recreational uses. Approval of this annexation request is consistent with goal 8

Goal 9: Economy of the State-to diversify and improve the economy of the brookings area.

goal 8 and goal 9 is not applicable to this annexation as this lot is residential

Goal 10: Housing –provision of varied housing types that are safe, sanitary and adequate for all residents of the community.

The use of this parcel will not change. Still residential . Approval of this annexation request is consistent with goal 10

Goal 11: Public facilities and services-to plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

Public facilities and services are available in the right of way of Parkview Drive. No services will need extensions. Approval of this annexation request is consistent with goal 11

Goal 12: Transportation- to provide and encourage safe , convenient and economic transportation system.

Public transportation services are available in the right of way of Parkview Drive. Approval of this annexation request is consistent with goal 12.

Goal 13: Energy conservation- to conserve energy

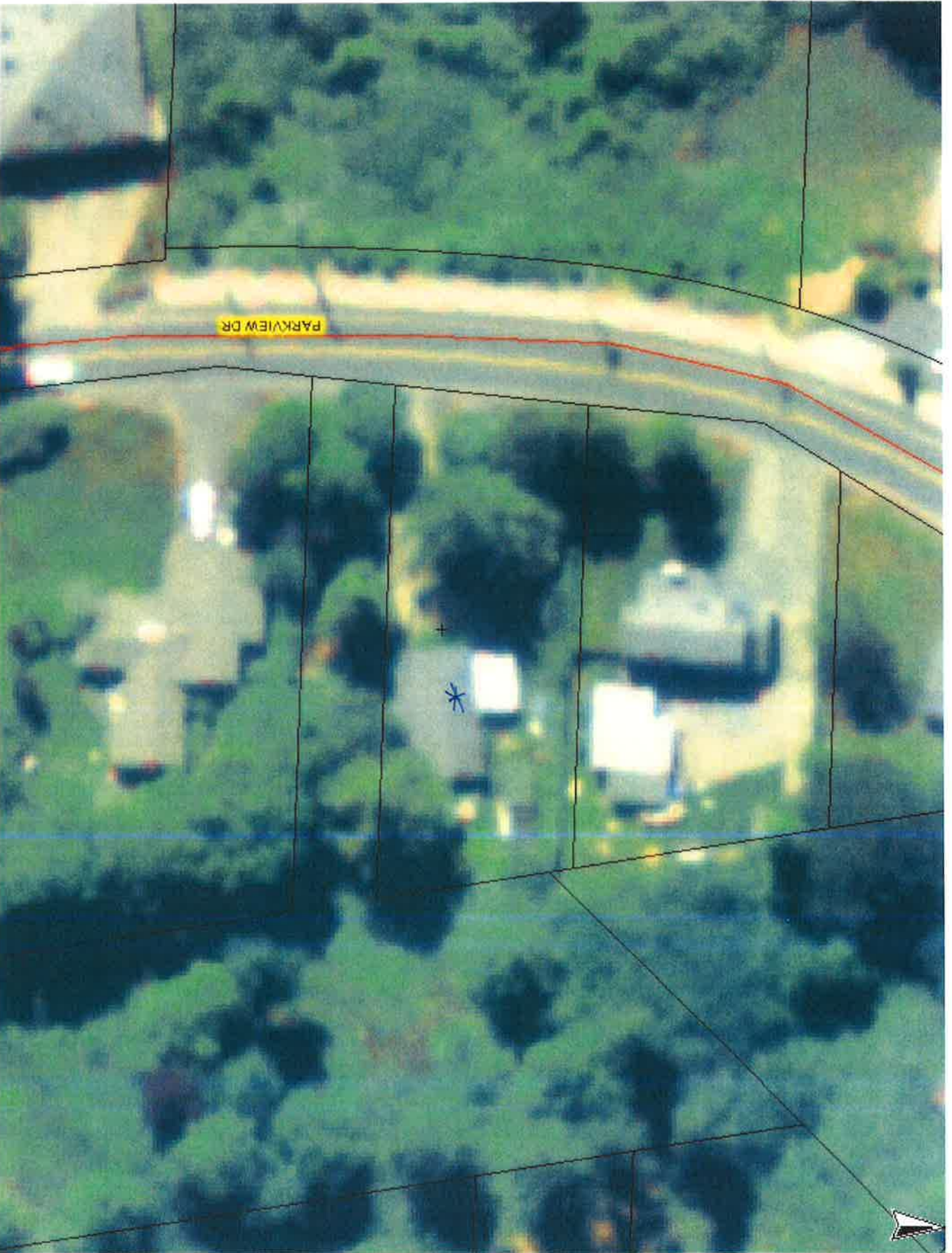
The major shopping area in the city is located along Chetco Avenue. Other shopping areas are located across the Chetco river in Harbor. These shopping areas along Chetco Avenue/US Hwy 101 are all located within one mile of the subject property. Professional and governmental services are also located along this route. The subject property is located within minutes of the school, parks and beaches. Short travel distances between the subject property and needed services provide savings in energy consumption. Therefore, the annexation is consistent with goal 13.

Goal 14: Urbanization-to provide for the orderly and efficient transition of land within the urban growth Boundary from rural to urban uses.

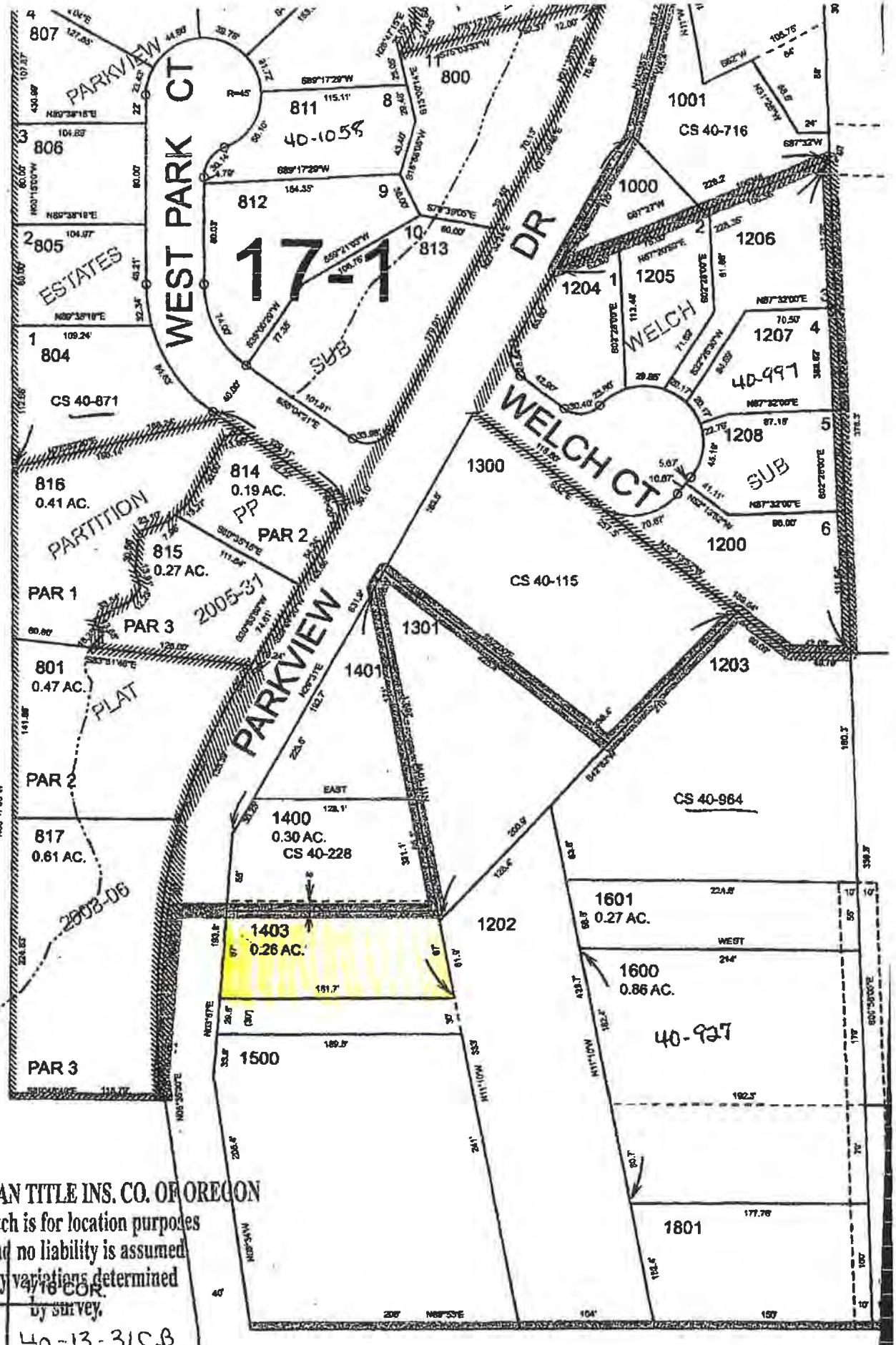
The subject property proposed to be annexed is identified by Curry County as residential zoning and within city boundary and has already has city water services to the property. The annexation of the subject property is consistent with the policies of goal 14

Goal 16: Estuarine Resources- to recognize and protect the unique environmental, economic and social values of the Chetco River Estuary and its wetlands.

This parcel is located approximately 2 miles from Chetco River . The storm drainage from this parcel flow into Eiler Creek before reaching the Pacific Ocean. The drainage does not enter the Chetco River and will not impact the Chetco River Estuary. Goal 16 is not applicable to the annexation



SEE MAP 40S 14W 36



FIRST AMERICAN TITLE INS. CO. OF OREGON
 This sketch is for location purposes
 only and no liability is assumed
 for any variations determined
 by survey.
 40-13-31CB

Curry County, OR - Account Details

[Return to the previous page](#)

[View Tax Map](#)

Account:	R16270	Map:	4013-31CB-01403-00
Owners:	TAN, LIE H TRSTEE ACCESS DREAM REV TRST 7-7-11 3264 FORD DRIVE MEDFORD, OR 97504		
Additional Owners:			
Legal:	ACRES 0.26		
Situs:	16947 PARKVIEW DR BROOKINGS, OR 97415		
Property Class:	101	Zoning:	R2
Lot Size Acres:	0.26	Lot Size Sqft:	
Lot width (act/eff):	/	Lot Depth (act/eff):	/
Acreage:	0.26	Exempt Codes:	
Sale Date:	07/14/14	Sale Price:	\$69,000
Sq Ft:		Companion Accts:	\
Mobile X Number:		Code Area:	17-7
Taxes:	\$630.57	Deed Type:	QC
Document No:	14-2050;12-1686;10-4582;97-4757;98-01741BS;97PRO22	M50 Assessed:	\$92,980
Market Improv:	\$19,630	M50 Veteran:	\$0
Land Value:	\$73,350	M50 Market Exempt:	\$
Taxable RMV:	\$92,980		

Improvements:

Improvement No:	<u>R16270.1</u>	Description:	FARM BUILDING
Type:	F	Value:	1,030
Building:	ED5		
Improvement No:	<u>R16270.2</u>	Description:	MISC IMPROVEMENT
Type:	I	Value:	2,690
Building:			
Improvement No:	<u>R16270.3</u>	Description:	MFD STRUCT
Type:	M	Value:	15,910
Building:	ED5		

DISCLAIMER: Enhanced Data Systems, Inc. makes no representations, express or implied, as to the accuracy of the information or data contained herein. This information or data is provided with the understanding that it is not guaranteed to be correct or complete and conclusions drawn from such information are the responsibility of the user.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: August 10, 2015

Donna Colby-Hanks *DC*
Signature (submitted by)
[Signature]
City Manager Approval

Originating Dept: PWDS -Planning

Subject: Request to annex approximately 0.26 acre of land into the City of Brookings; Assessor's Map 40-13-31CB, tax lot 1403; located adjacent to the eastern boundary of Parkview Drive, approximately 255 feet north of its intersection with Hampton Road. The subject property is owned by Tan. The current Curry County zoning is Residential Two (R-2) and the applicant is requesting a zone change to Single Family Residential (R-1-6).

Recommended Motion Options: A motion to approve File ANX-1-15 as requested to annex one tax lot comprising of approximately 0.26 acre of land into the City of Brookings as well as approve the Final Order, Findings of Fact, and condition of approval as provided with staff report.

Financial Impact: Approximately \$590.00 in additional taxes on the subject property.

Background/Discussion:

The owner of the subject property is requesting annexation into the City to allow the existing dwelling to connect to the city sewer. The septic system serving the dwelling failed in July, 2012. The Department of Environmental Quality (DEQ) will not allow the repair of septic systems where municipal sewer is available within 300 feet. A sewer main is located in Parkview Drive right-of-way adjacent to the dwelling. Therefore, the dwelling was posted as not being inhabitable until such time as connection to the sewer was made. Brookings Municipal Code (BMC) Chapter 13.10.270 states that sewer service may only be provided to properties within the corporate limits of the City. The subject property is adjacent to the City limits and, to resolve the issue, the owner is requesting annexation.

Property Location, Description and Ownership; Assessed Value:

The subject property being reviewed for annexation is identified on Assessor's map 40-13-31CB Tax Lot 1403. The property lies adjacent to the eastern boundary of Parkview Drive for approximately 68 feet. Parkview Drive in the vicinity of the subject property has two paved travel lanes within a 50 foot right-of-way and a sidewalk on the western side. The property is approximately 0.26 acre and the record owner is Lie Tan according to the Applicant's findings. The Assessor's records indicate that the property has a Taxable Real Market Value of \$92,980. The Consent to annex form was signed and duly executed by Tan.

Existing and proposed Comprehensive Plan Map and Zoning: The City and County have an effective two map system within the Urban Growth Area wherein the County's zoning map functions as the comprehensive plan map for a property until it is rezoned as part of annexation. At the time of annexation, the City's Comprehensive Plan Map is amended to reflect the approved City Comprehensive Plan Map designation along with the concurrent zone change. The subject property currently has a County designation of R-2 (Residential Two). The applicant is not requesting a Comprehensive Plan change from residential but is requesting a zone change to Single Family Residential (R-1-6).

Existing Improvements: The subject property is approximately 11,325 sq ft and currently developed with a single family dwelling. The applicant is requesting the R-1-6 zone (6,000 sq ft minimum lot size) upon completion of the annexation. With the R-1-6 zone, the property is not twice the minimum lot size and therefore not of a size that will allow for additional lots to be created or dwellings to be constructed.

Adjacent and Surrounding Land Use: The subject property is surrounded on the north, east and south by residential zoned properties developed with single family dwellings. A vacant parcel lies to the west.

Fire District: The property is currently located in the Brookings Rural Fire Protection District. Following annexation, the property will be served by the City of Brookings Fire/Rescue. The City of Brookings Operations Fire Chief, Jim Watson, has requested in his comments, that the current green address label be replaced with one with a blue background and white numbers to assist emergency services. This is a proposed condition of approval.

Sanitary Sewer: The applicant is requesting annexation to allow connection of the existing single family dwelling to the eight (8) inch sewer main located in the Parkview Drive right-of-way. The applicant has provided a conformation form from Public Works staff that indicates this main is adequate to accommodate the dwelling.

Water: A ten (10) inch water main is located within Parkview Drive right-of-way. The dwelling was served by water from this main until the septic system failed and water was disconnected. The applicant has provided a conformation form from Public Works staff that indicates this main is adequate to serve the dwelling. Upon completion of the annexation and connection to the city sewer, the dwelling will be allowed to reconnect to water.

Storm Water Drainage: Draining in the area is almost entirely by surface, with culverts at roadway intersections and driveways. The storm water from the existing dwelling sheets onto the ground and is absorbed or finds its way to Eiler Creek.

In 2009, HGE Engineering prepared the Storm Water Facilities Master Plan. The Master Plan did not recommend any storm drainage projects for this area.

Transportation: The property is developed with a single family dwelling. With the requested R-1-6 zone and the size of the property, there are no opportunities for additional lots to be created or dwellings to be constructed. Therefore there will be no increase in traffic and no additional impact to the street system.

Statewide Planning Goals:

The Applicant has provided findings that address all the statewide planning goals. The affect on the statewide planning goals is minimal with Goal 6, Air, Water & Land Resources Quality being the most affected. Upon annexation, the existing, failing septic system will be required to be properly abandoned. The result will be improved water quality. In the Planning Commission staff report (Attachment A), the application was analyzed and found to be in compliance with each of the statewide planning goals.

Planning Commission review and Condition of Approval:

The Planning Commission considered the annexation request on the agenda of its scheduled public hearing on July 7, 2015. Following presentation of the staff report and testimony from the applicant, the Planning Commission unanimously recommended approval to City Council.

Final Order and Adopting Ordinance:

A draft Final Order with Findings of Fact and Conditions of Approval as well as an Adopting Ordinance has been provided for review.

Policy Considerations: None.

- Attachment(s):
- A. Planning Commission packet
 - B. Planning Commission supplemental packet - Exhibit B
 - C. Draft final order with condition of approval

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Annexation
FILE NO: ANX-1-15
HEARING DATE: July 7, 2015

REPORT DATE: June 24, 2015
ITEM NO.: 6.1

GENERAL INFORMATION

APPLICANT: Lie Tan.
REPRESENTATIVE: None.
REQUEST: Annexation of one tax lot into the City of Brookings.
TOTAL LAND AREA: 0.26 acre/11,325 sq ft.
LOCATION: Subject property is located adjacent to the eastern boundary of Parkview Drive, approximately 255 feet north of its intersection with Hampton Road, more specifically 16947 Parkview Drive.
ASSESSOR'S NUMBER: Map 40-13-31CB, Tax Lot 1403.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: County R-2 (Residential Two).
PROPOSED: City R-1-6 (Single Family Residential, 6,000 sq ft minimum lot size).
SURROUNDING: Shown on map as **Figure 1**.
COMP. PLAN: County residential.
PROPOSED: City residential.

LAND USE INFORMATION

EXISTING: Single family dwelling.
PROPOSED: Same.
SURROUNDING: Subject property is adjacent to parcels developed with single family dwellings to the north, east, and south. A vacant parcel lies to the west.
PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject parcels and published in local newspaper.

APPLICABLE CRITERIA

Land Development Code - Ordinance No. 06-O-572

Brookings Municipal Code (BMC), Chapter 17.144 Annexations

BACKGROUND INFORMATION

The owner of the subject property is requesting annexation into the City to allow the existing dwelling to connect to the city sewer. The septic system serving the dwelling failed in July, 2012. The Department of Environmental Quality (DEQ) will not allow the repair of septic systems where municipal sewer is available within 300 feet. A sewer main is located in Parkview Drive right-of-way adjacent to the dwelling. Therefore, the dwelling was posted as not being inhabitable until such time as connection to the sewer was made. Brookings Municipal Code (BMC) Chapter 13.10.270 states that sewer service may only be provided to properties within the corporate limits of the City. The subject property is adjacent to the City limits and, to resolve the issue, the owner is requesting annexation.

The subject property is 0.26 acre and fronts on Parkview Drive for approximately 68 feet. Parkview Drive in the vicinity of the subject property has two paved travel lanes within a 50 foot right-of-way and a sidewalk on the western side.

PROPOSED ANNEXATION

The tax lot listed above is proposed for annexation into the City of Brookings. The property owner has signed a Consent to Annex form. The proposed area to be annexed does not include any street or road right-of-way. The northern and western boundaries of the subject property are contiguous to the City boundary. The Applicant has provided findings in **Attachment A** to demonstrate compliance with applicable criteria.

Chapter 17.144 Annexations

17.144.020 Applicant procedures, BMC

A. Vicinity Map

A vicinity map showing the proposed area of annexation and the existing City limits is included as **Figure 1**.

B. Assessor's maps

Assessor's map of the proposed area of annexation showing the subject parcel to be annexed is included as **Figure 3**.

C. Consent forms

A Consent to Annex form has been completed and signed by the property owner (**Attachment B**).

D. Legal metes and bounds

The legal metes and bounds description from the deed of the subject property is included as **Attachment C**.

E. Specific information for the parcel

Assessed Valuation	Acreage	Map & tax lot	Owner
\$92,980	0.26	40-13-31CB; 1403	Lie Tan

F. Addresses of business and dwellings

The subject property is addressed as 16947 Parkview Drive, Brookings, Oregon.

G. Significant natural features

The area proposed for annexation does not contain any significant natural features. The property is fully developed with the single family dwelling.

H. Adjoining land uses

The adjoining uses are single dwellings to the north, east, and south. A vacant parcel lies to the west.

I. Proposed land uses

The subject property is proposed to remain used for the single family dwelling.

J. Written Findings

1. Existing land uses

The existing use of the property is for the single family dwelling.

2. Existing zoning and comprehensive plan designation

The existing County zoning of the subject property is Residential-Two (R-2) and the comprehensive plan designation is residential.

3. Existing infrastructure

a. Water system

The single family dwelling has Brookings Municipal water served by a 10 inch main located in Parkview Drive. However, when the septic system failed and it was determined that the home was no longer inhabitable, the water service was disconnected. Upon completion of the annexation and connection to sewer service, the dwelling will be allowed to reconnect to water.

b. Streets

Access to the subject property is provided via Parkview Drive, which has two paved travel lanes within a 40 foot right-of-way; the street has a 50 foot right-of-way in the vicinity of the subject property. Parkview Drive was last paved in 2005. Segmented sections of sidewalk have been installed with recent developments. The majority are located on the north/west side as is the case in the area of the subject property. Parkview Drive is under the jurisdiction of the City from its intersection with Chetco Avenue to the city limits, just east of the upper entrance of Vista Ridge.

c. Sanitary sewer

The dwelling located on the property is served by an on-site septic system that has failed.

d. Storm drainage

In 2009, HGE Engineering prepared the Storm Water Facilities Master Plan. The Master Plan did not recommend any storm drainage projects for this area.

Draining in the area is almost entirely by surface, with culverts at roadway intersections and driveways. The storm water flows from the existing dwelling sheets onto the ground and is absorbed or finds its way to Eiler Creek.

4. Proposed or existing local improvement districts

There are no proposed or existing local improvement districts.

5. Urban services needed and necessary to service the territory

The subject property is served with city water although the service has been disconnected due to the failure of the on-site septic system. An eight (8) inch city sewer main is located in Parkview Drive right-of-way adjacent to the subject property. The Applicant has provided a conformation form from Public Works staff that indicates this main is adequate to accommodate connection to the single family dwelling (Attachment D).

6. Compliance with all applicable goals and policies of the comprehensive plan.

Goal 1: Citizen Involvement -To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City has adopted as part of Title 17, Land Development Code, BMC, a requirement that notification be provided to all owners of property within 250 feet of subject property where a land use action is proposed. The map in below shows the boundary of the 250 foot radius.



A list of

Assessor Map #	Tax Lot #	Name	Mailing Address
40-13-31CB	816	Pink Worm	6945 Grand Manan Dr Cypress, CA 90630
40-13-31CB	817	Curry County	94235 Moore St, Ste 222 Gold Beach, OR 97444
40-14-36	1000	State of Oregon	1115 Commercial NE Salem, OR 97310
40-13-31CB	1801	Fisher	96921 Hampton Rd Brookings, OR 97415
40-13-31CB	815	Schaefer	392 Clover Lane Medford, OR 97501
40-13-31CB	1600	Spencer	1010 Angler Lane Grants Pass, OR 97527
40-13-31CB	1500	Brambila	16941 Parkview Drive Brookings, OR 97415
40-13-31CB	1400	Schutte	P.O. Box 632 Brookings, OR 97415
40-13-31CB	1203	Carper	P.O. Box 2131 Brookings, OR 97415
40-13-31CB	1403	Tan	2364 Ford Drive Medford, OR 97504
40-13-31CB	1300	Kaufman	7011 Welch Court Brookings, OR 97415
40-13-31CB	1202	Bannister	P.O. Box 7860 Brookings, OR 97415
40-13-31CB	1401	Weir	832 Kealahou Street Honolulu, HI 96825
40-13-31CB	1301	Burgess	27073 Kingsley Rd Scappoose, OR 97056

40-13-31C	401	Hunter	1105 Parkview Drive Brookings, OR 97415
40-13-31C	402	Pearson	3401 Buckboard Way Lake Havasu City, AZ 86404
40-13-31CB	1601	Carper	P.O. Box 2131 Brookings, OR 97415
40-13-31CB	801	Hyatt	P.O. Box 7063 Brookings, OR 97415

The City mailed notice, 20 days prior to the hearing, to each of the owners of property within 250 feet of the area to be annexed. The City provided a Public Notice to the local newspaper. This public notice has been published as required by the Land Development Code and Oregon Revised Statutes (ORS) Chapter 222. Additional notice will be provided as required by law prior to City Council hearing this matter. These procedures provide notice of the process and give owners within the vicinity and other interested citizens the opportunity to be informed and participate in the decision-making process.

Approval of this annexation request is consistent with Goal 1.

Goal 2: Land Use Planning - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions.

The City's Comprehensive Plan was developed and adopted to meet the Statewide Planning Goals. The Land Development Code was developed and adopted to implement the Comprehensive Plan. The Planning Commission and the City Council base their decisions on the criteria in the Land Development Code. The criteria are addressed by facts contained in the materials which are required to be submitted for a complete application. The notices discussed in Goal 1 outline the process for citizens to provide oral and written testimony. This assures that there is an adequate factual basis for recommendations made by the Planning Commission and decisions made by the City Council.

Approval of this annexation request is consistent with Goal 2.

Goal 3: Agricultural Lands -To cooperate with the County in the preservation and maintenance of agricultural lands

Goal 4: Forest Lands -To support and cooperate with the County in its efforts to protect forest lands

The subject parcel is not zoned as either agricultural or forest lands. Goals 3 and 4 are not applicable to this annexation.

Goal 5: Open Spaces, Scenic & Historic Areas, & Natural Resources -To conserve open space and protect natural, scenic resource, cultural, and historic areas while providing for orderly growth and development of the City.

The City's Comprehensive Plan states that the Curry County Zoning Ordinance and

Comprehensive Plan will be used to implement Goal 5 within the Urban Growth Boundary.

Curry County's Comprehensive Plan does not identify any sites of ecological significance or natural resources in the area proposed for annexation. There are no archeological or historic sites, or aggregate and quarry sites, identified in the inventories for this area.

Curry County's Comprehensive Plan designates the subject property as residential. The property owner is not requesting a change in the comprehensive plan designation. Since the subject property is located within the Brookings Urban Growth Boundary (UGB) and planned for urban development, the annexation will provide for orderly growth and development of the City.

Approval of this annexation request is consistent with Goal 5 as neither the City or County's Comprehensive Plan Goal 5 Inventories identify any such resources on the subject property.

Goal 6: Air, Water & Land Resources Quality -To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

The subject property is approximately 11,325 sq ft and developed with a single family dwelling. The surrounding residential properties within the city are zoned Single-Family Residential, (R-1-6, 6,000 sq. ft. minimum lot size). The Applicant is requesting the R-1-6 zone for the property upon completion of the annexation. The property is not of a size that would allow for additional lots to be created or dwellings to be constructed. Therefore, no additional impacts to the air or water quality or land resources will occur.

Connecting the existing dwelling to the City's sewer system will improve water quality by allowing the failing on-site septic system to be properly abandoned.

Approval of this annexation request is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters & Hazards -To protect life and property from natural disasters and hazards.

The City has adopted a Flood Damage Prevention Ordinance located in BMC Chapter 17.098. Each new development is reviewed for compliance with the Federal Emergency Management Agency (FEMA) Flood Hazard Maps included in this chapter. The FEMA Flood Maps do not identify any flood hazards on the subject property.

The City has adopted Hillside Developed Standards located in BMC Chapter 17.100 of the Land Development Code to reduce the effects of flooding, erosion, and landslides. The Hillside Standards apply to properties with average slopes of 15% or more. As shown on the contour map, included as **Figure 4**, the subject property has an average slope of approximately five (5)% and falls below the threshold for Hillside Development. Approval of this annexation request is consistent with Goal 7.

Goal 8: Recreational Needs -To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.

Recreation opportunities in the area consist of numerous parks within the city limits including Harris Beach State Park, as well as many hiking trails along the coast. The residents of the subject property currently have access to all of these facilities. The annexation will not increase the user population. Approval of this annexation request is consistent with Goal 8.

Goal 9: Economy of the State -To diversify and improve the economy of the Brookings area.

The annexation of one residential lot into the city limits will have negligible impact on the economy. Approval of this annexation request is consistent with Goal 9.

Goal 10: Housing - Provision of varied housing types that are safe, sanitary and adequate for all residents of the community.

The subject property is currently developed with a single family dwelling and the same use will continue following the proposed annexation. The property is not of a size that will allow an opportunity for it to be divided in the future. No additional lots will be available and thus would not increase the potential housing inventory or provide a particular variety of housing. The proposed annexation is consistent with Goal 10.

Goal 11: Public Facilities & Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

The subject property has water service to the dwelling although it has been disconnected due to the failing on-site septic system.

An eight inch city sewer main is located within the right-of-way of Parkview Drive. The applicant will bear the costs of connecting the existing dwelling to the main as required by the Brookings Comprehensive Plan and Land Development Code.

The subject property is located within the Brookings Rural Fire Protection District, which is served by the City's Fire Department. This annexation will bring the area into the City's jurisdiction. The Operations Fire Chief, Jim Watson, has requested in his comments (**Attachment D**), that the current green address label be replaced with one with a blue background and white numbers. This will be a condition of approval.

Police protection to the annexed property will be provided by the City rather than by the Curry County Sheriff, who is the current provider.

Since the property proposed for annexation is located within the UGB and planned for urban development, the annexation will provide for an orderly and efficient arrangement of public facilities and services.

Approval of this annexation is supportive of Goal 11.

Goal 12: Transportation - To provide and encourage safe, convenient and economic transportation system.

The use of the subject property will remain the same and the effect on the street system will not change. The annexation is consistent with Goal 12.

Goal 13: Energy Conservation - To conserve energy.

The use of the subject property will remain the same and the annexation will not affect energy conservation one way or another. The annexation is consistent with Goal 13.

Goal 14: Urbanization - To provide for the orderly and efficient transition of land within the Urban Growth Boundary from rural to urban uses.

The subject property proposed to be annexed was included in the original Urban Growth Area (UGA) adopted by Curry County and the City of Brookings in the early 1980s. There were no challenges to its urbanizable status during the Periodic Review process and expansion of the UGA in 1995. During this process, the amended (expanded) UGA was acknowledged by the Land Conservation and Development Commission (LCDC). All participating agencies agreed this area was most appropriate to be developed with urban uses and densities.

The current land use zone assigned to the subject property is identified by Curry County's Comprehensive Plan as only being applied to land intended to be incorporated in the future and within the UGA. This area has been planned and zoned for urban development since the early 1980s.

A policy of the Brookings Comprehensive Plan is not to extend City services until property to be served is located within the corporate limits of the City. The subject property is contiguous to the City boundary and requires no extension of mains for service to be provided.

The annexation of the subject property is consistent with the policies of Goal 14.

Goal 16: Estuarine Resources - To recognize and protect the unique environmental, economic and social values of the Chetco River Estuary and its wetlands.

At the closest, the subject parcel is located 1.62 miles from the Chetco River. The storm drainage from the parcel is either absorbed or makes its way to Eiler Creek before reaching the Pacific Ocean. The drainage does not enter the Chetco River and does not impact the Chetco River Estuary. Goal 16 is not applicable to the annexation.

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

At the closest, the subject parcel is located 0.32 mile from the beach or dunes of the Pacific Ocean. The properties within this separation distance are developed with high density, urban development. Goals 17 and 18 are not applicable to this annexation.

17.144.030 Annexation impact analysis

A. The proposed use for the site complies with the Brookings comprehensive plan and with the designation on the Brookings comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Brookings comprehensive plan.

Compliance with the Brookings comprehensive plan has been discussed in review of the application in regards to the Statewide Planning Goals above. The subject property is designated as residential and no redesignation has been requested by the Applicant.

B. An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. An adequate level of urban services shall be defined as: municipal sanitary sewer, storm drainage, and water service meeting the requirements enumerated in the Brookings public facilities plan and the land development code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals. If any substandard infrastructure exists within the boundaries of the area proposed for annexation, the city may deny an annexation application.

The level of urban services was discussed in Goal 11, Public Facilities, above and meets these requirements.

C. Documentation of impacts on existing streets within the annexation area and adjacent transportation facilities by future development of the area. The adequacy of the transportation facilities shall be considered in relation to annexation proposals.

The impacts on existing streets and adjacent transportation facilities will not change. No additional lots can be created due to the size of the parcel; the use of the property will remain the same.

D. As development occurs, within the annexed area new streets shall be constructed to the standards of the Brookings transportation system plan and land development code. While it is preferred that public streets located within the city limits be a part of the city-maintained street system, streets within the annexed area shall remain in the county's jurisdiction until such time as they are improved to the city street standards. If the proposed annexation includes the transfer of county maintained roads to the city maintained street system, said streets located within the annexation area shall be improved to city standards prior to annexation approval, or the formation of a local improvement district to fund said street improvements shall accompany the annexation application.

The area proposed to be annexed does not include any street rights-of-way. No new streets will be created in the future as the property is not of a size that can be divided.

E. Documentation of the availability and adequacy to serve the proposed annexation with police, fire, parks, and school facilities and services.

Police:

The subject parcel is currently in the jurisdiction of the Curry County Sheriff's Department and the Oregon State Police. Upon annexation the property will be served by the Brookings Police Department. Comments from Donny Dotson, Brookings Police Lieutenant, in regards to this annexation are included as **Attachment D**.

Fire:

The subject parcel is currently within the boundary of the Brookings Rural Fire Protection District. Upon annexation, the property will be served by the Brookings Fire Department. Jim Watson, Operations Fire Chief, has submitted comments in regard to this annexation as **Attachment D**.

Electricity:

The subject parcel is within the Coos-Curry Electric service boundary. Coos-Curry Electric has provided comments as **Attachment D**.

Parks:

The City of Brookings Parks are discussed in Goal 8 above.

Schools:

The subject parcel proposed for annexation is within the boundaries of the Brookings-Harbor School District. The District is comprised of three schools.

School Name	Grades Accommodated	2010 Enrollment
Kalmiopsis Elementary	K thru 4	639
Azalea Middle	5 thru 8	393
Brookings-Harbor High	9 thru 12	545
Total Enrollment		1,577

Other utilities:

Frontier Communications provides telephone service to the subject parcel. Charter Cable provides cable service.

F. Improvements for need infrastructure shall be secured by a funding mechanism that will place the economic burden on the territory proposed for annexation and not on the city of Brookings.

The use of the property will remain the same. Without the acreage to create additional lots, no infrastructure improvements will be required.

FINDINGS & CONCLUSIONS

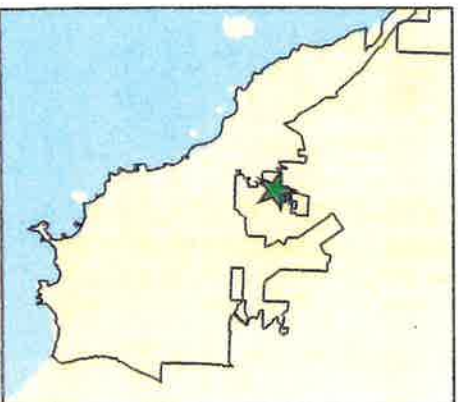
The Applicant's findings and the staff report with the attachments, provide the findings in this matter and will be made a part of the Final Order if the annexation is approved. The following are general findings to show that all of the criteria have been met.

1. The Applicant's findings and the staff report address the application procedure requirements in BMC Section 17.144.020 as well as each of the goals of the City's Comprehensive Plan.
2. The findings address the annexation impact analysis requirements in BMC Section 17.144.030.
3. The materials satisfy all of the criteria presented in BMC Chapter 17.144, Annexations, of the Land Development Code, to justify the proposed annexation.








RECOMMENDATION

Staff supports a **favorable recommendation** of Case File No. ANX-1-15 to City Council, based on the Applicant's findings as well as the findings and conclusions submitted in the staff report, with the condition that the current address label be replaced with one with a blue background and white numbers.

Figure 1



Legend

-  Subject Property
-  Proposed R-1-6
-  Brookings Zoning
-  P/O S
-  R-1-6
-  County R-1
-  County R-2
-  Brookings City Limits

Notes:

This product is for informational purposes and may not have been prepared for, or be suitable for, legal engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Projections: NAD83, ORSouth, 0 100 200 Feet
 Brookings GIS 5/6/2015



ANNX-1-15
Zoning

Figure 2





Figure 4